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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,318	02/13/2004	Emrc Baris Aksu	944-001.103-5	5213

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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/779,318

Applicant(s)

AKSU ET AL.

Examiner

Alina N. Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed October 17, 2006. Claims 1-13 are pending in the present application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,175,856 issued to Riddle in view of Applicant's Admitted Prior Art (hereinafter referred to as AAPA).

(Amended) Regarding claim 1, Riddle teaches a method for signaling and negotiation between a client and a server in a multimedia streaming service, wherein a plurality of adaptation mechanisms or capabilities for use in the service for data delivery are supported by the client, each adaptation mechanism or capability having an attribute, said method comprising:

the client providing information indicative of the attributes defining the adaptation mechanisms or capabilities that are supported by the client [abstract; figure 6];

the server selecting one or more of the attributes based on the provided information [abstract; figure 6]; and

the server providing further information to the client indicative of the selected attributes so as to allow the client to know the one or more adaptation mechanisms or capabilities defined by the one or more attributes selected by the server [figure 6].

However, Riddle does not explicitly teach the adaptation mechanisms or capabilities are regarding a data delivery process. AAPA teaches this deficiency in the specification, page 1, lines 19-34. At the time the invention was made, one of ordinary skill in the art would have been motivated to provide adaptation mechanisms or capabilities regarding a data delivery process in order to cause changes of behavior in the network characteristics, therefore allowing successful service (see specification, page 1, lines 31-34).

Regarding claim 2, Riddle teaches the method of claim 1, wherein the client is configured to provide the information via a capability exchange mechanism [figure 1].

Regarding claim 3, Riddle teaches the method of claim 1, wherein the client is configured to provide the information via a multimedia streaming control protocol [abstract; figure 1].

Regarding claim 4, Riddle teaches the method of claim 1, further comprising the server providing indication of a capability to the client prior to the client providing information [abstract].

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(Amended) Regarding claim 5, Riddle teaches a method for signaling and negotiation between two parties including a client and a server in a multimedia streaming service, wherein a plurality of adaptation mechanisms or capabilities for use in the server for data delivery are supported by the client, each adaptation mechanism or capability having an attribute, said method comprising:

providing by one of the two parties to the other of the two parties information indicative of one or more adaptation mechanisms or capabilities; and conveying a message from said other party to said party, in response to the information, acknowledging supporting of said one or more adaptation mechanisms or capabilities [abstract; figure 6].

However, Riddle does not explicitly teach the adaptation mechanisms or capabilities are regarding a data delivery process. AAPA teaches this deficiency in the specification, page 1, lines 19-34. At the time the invention was made, one of ordinary skill in the art would have been motivated to provide adaptation mechanisms or capabilities regarding a data delivery process in order to cause changes of behavior in the network characteristics, therefore allowing successful service (see specification, page 1, lines 31-34).

Regarding claim 6, Riddle teaches the method of claim 5, wherein said one party is the server and the other party is the client, and wherein the client acknowledges support by using the attributes defining said one or more adaptation mechanisms or capabilities in the responding message [figure 9].

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Regarding claim 7, Riddle teaches the method of claim 5, wherein said one party is the client and the other party is the server, and wherein the client is configured to provide a plurality of attributes; and the server is configured to select one or more of the provided attributes based on the provided information for acknowledging the support [abstract; figure 6].

Newly added claims 8-10 and 11-13 are similar to claims 1-3, therefore are rejected under the same rationale.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

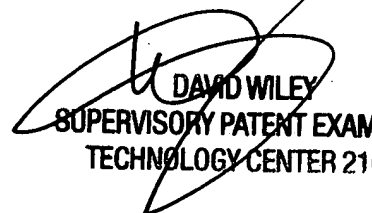
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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